

Remarks

The examiner's detailed action letter presents a nice summary of the claim numbering mistakes in the instant application that arose from the submission of two preliminary amendments. A first preliminary amendment of 16 October 2000 added claims 12-26. A second preliminary amendment of 3 May 2001 cancelled the originally filed claims 1-11 and added additional new claims mistakenly numbered as 12-45. The claims submitted in that second preliminary amendment should have been numbered 27-60. Accordingly, the amendments presented herein resolve all claim numbering errors and indicate as the examiner correctly notes in his action letter that the instant application includes pending claims 12-60. Further, the amendments made herein resolve all dependency numbering errors and it is believed that all claim numbering errors have been corrected.

By resolving the claim dependency numbering errors it is believed that Applicant has addressed the bulk of the examiner's rejections under 35 U.S.C. 112. For example, the rejections of claims 14-26 as being indefinite for depending upon the cancelled claims 1-11 are resolved by updating those erroneous dependencies in the above amendments. The balance of the examiner's 35 U.S.C. 112 indefiniteness rejections arise from Applicant's use of the phrase "configured to" in the claims. The examiner's objections to that phrase are surprising to Applicant because such terminology commonly is used in claim drafting. However, to address the examiner's concerns Applicant notes that as used in the claims the phrase "configured to" connotes its ordinary dictionary meaning which is "to set up for operation especially in a particular way." In other words, the phrase "configured to" as used in the apparatus claims presented herein connotes an apparatus that is set up by hardware, software, or some combination thereof to carry out the identified function(s).

Turning then to the examiner's rejections of claims 27-35, 42-46, and 48-50 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,301,471 to Dahm, Applicant notes that the examiner appears to have taken the instant application's subject matter out of its

claimed context for an erroneous comparison to elements in Dahm that are not in any way the equivalent of Applicant's claimed elements. Specifically, Dahm discloses a system and method for providing subscriber loyalty and retention techniques. Referring for example to Fig. 4, which is identified by the examiner as disclosing Applicant's claimed invention, one sees that Dahm depends on a wireless carrier network 406 to carry information between a mobile station 402 and a customer service server 440. The customer service server 440 includes subscriber information such as demographics, purchasing behaviors, and other commercial data that indicates whether the subscriber is likely to change wireless carriers. If such identification is made, the loyalty server module 442 in the customer service server 440 may send special offers or other incentives back through the wireless carrier network 406 to mobile station 402. In supporting that function, Dahm's system may use a proxy server 404 that is coupled to a carrier infrastructure 408, which in turn couples to the wireless carrier network 406.

Tellingly, the wireless carrier network 406 disclosed by Dahm is nothing more than a cloud in the diagram and is not discussed by Dahm in any detail at all. In other words, Dahm assumes that the wireless carrier network will support the required communications between the mobile station 402 and the customer service server 440. Because the Applicant's claimed invention comprises key elements within the wireless carrier network, the Dahm reference cannot be used as anticipating art because Dahm discloses absolutely no details regarding that network.

In further emphasizing the erroneous basis for using Dahm as an anticipating reference, Applicant points out that rejected claim 27 includes the limitations of "a packet authentication center (PAC) configured to maintain a packet service profile for each of a plurality of mobile devices in the wireless communication system," and "an access control server (ACS) communicatively coupled with the PAC, the ACS configured to manage packet data services for the plurality of mobile devices based, at least in part, on their respective packet service profiles." Therefore, this claim is directed to entities within the wireless communication network that

enable the authentication of mobile stations for establishing packet data calls and for routing and managing the packet data communications flowing in accordance with those calls. The PAC and ACS entities are specifically described in great detail within the originally filed specification.

Even a cursory reading of Dahm makes clear that its disclosed customer service server 440 and its supporting proxy server 404 have absolutely nothing to do with the operations of Dahm's disclosed wireless carrier network 406. Indeed, Dahm makes clear that the customer service server 440 and the supporting proxy server 404 provides storage and analysis for demographic and subscriber behavior related information for purposes of estimating whether or not a particular subscriber is or isn't likely to change wireless carriers.

Because Dahm discloses nothing about the claimed limitations of a wireless communication network, and because Dahm is so clearly directed to subject matter entirely different from that claimed in the instant application, Dahm cannot be used as an anticipating reference and the examiner's rejections fail as a matter of law. These comments apply not only to claim 27 discussed above, but to the remaining claims rejected under Dahm which include 28-35, 42-46, and 48-50. Respectfully, Applicant urges the examiner to carefully review Dahm in light of the above remarks, and to withdraw all 35 U.S.C. 102 rejections based on Dahm.

The examiner further rejects claims 12, 13, and 58-60 as being anticipated under 35 U.S.C. 102(e) by U.S. Patent No. 6,487,486 to Chang. First, Applicant notes that although the examiner indicates that he rejects claim 12 based on the disclosure of Chang, he uses language taken explicitly from claim 13 and not from 12 to demonstrate that alleged anticipation. Thus, the examiner's rejection of claim 12 as being anticipated by Chang is not in any way supported by his detailed action letter. Applicant thus requests the examiner to withdraw that rejection, or to provide an explanation of Chang with respect to claim 12.

Turning then to the rejection of claim 13 as being anticipated by Chang, Applicant notes that Chang does not disclose the claimed "access control node," nor does it disclose any such

access control node" being connected to said at least one base station to transceive said packetized communication bypassing said MSC." (See "GR 32" in Fig. 2 of Chang.)

Respectfully, Applicant submits that the examiner has taken disparate elements from the disclosure of Chang in a way that makes his argued for anticipation rejections unsupportable. These same arguments apply with equal force against the rejections of claims 58-60 based on Chang. As such, Applicant requests that the examiner withdraw all 102 rejections based on Chang.

The examiner also rejected claim 37 under 35 U.S.C. 102(b) as being anticipated by WO 98/32301 filed by Nordman. The examiner rejects claim 37 as being obvious in view of WO 98/32301. This rejection is curious because the cited reference discloses a system whereby a network-stored mobile station identifier is used to authenticate the mobile station to an outside private IP network. Provided the identifier sent from the wireless network to the private IP network is authentic, the corresponding mobile station is assigned an IP address from the private network, which is used to route IP data to the wireless network, and the wireless network in turn uses the identifier to specifically address the mobile station. That arrangement relieves the need for using two IP addresses, one between the wireless network and the private IP network, and one between the wireless network and the mobile station. What that arrangement has to do with the present invention as claimed is wholly unclear to Applicant and, respectfully, is not explained by the examiner in his action letter. Instead, the examiner simply repeats Applicant's claim language and suggests that such limitations are made obvious by the '301 reference.

Because the '301 reference addresses itself to a wholly different problem, that is, how to authenticate a mobile station to a private IP network without using multiple IP addresses, it does not concern itself with the underlying problems solved by the present invention as claimed. That is, it offers no teachings with regard to the limitations of claim 37 and it cannot therefore be used

in making out a supportable obviousness rejection over claim 37. Applicant therefore requests that the examiner withdraw all such rejections.

The examiner also rejected claims 36, 38-41, 47, and 51 under 35 U.S.C. 103(a) as being unpatentable over Dahm in further view of Chang. Although the examiner makes reference to claim 37 as part of these rejections it is not identified as being one of the claims rejected under the obviousness arguments made by the examiner. Nonetheless, as Applicant explained with regard to the examiner's earlier use of Dahm in making 102(e) rejections, Dahm discloses a customer loyalty system that has utterly nothing to do with the structure or operation of a wireless communication network. Dahm offers no disclosure or teachings on the particular entities within the wireless communication network and cannot be used either as an anticipating reference or as a reference in combination with any other reference for an obviousness rejection. Simply put, Dahm teaches nothing about wireless communication networks and as a matter of law cannot be used to reject the instant application claims, all of which are directed explicitly to entities and functions within wireless communication networks. Because Dahm discloses no teachings regarding wireless communication networks, Applicant believes that all of the examiner's articulated obviousness arguments fail as a matter of law and respectfully asks that the examiner withdraw all such rejections.

Regarding the examiner's further obviousness rejections of dependent claims 54-57 as being obvious in view of various cited references, Applicant believes that all such rejections are rendered moot by the failure of the examiner's rejection of their associated independent claim 52. That is, as the Applicant believes that as claim 52 stands in condition for allowance, so do its dependent claims (including claims 54-57).

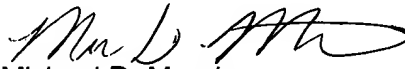
Indeed, in light of the numbering and dependency corrections made herein, and in light of the above arguments made regarding the references cited in the examiner's several rejections, Applicant believes that all claims pending in the instant application stand in condition for allowance and reconsideration as such by the examiner is respectfully requested. Should

the examiner have any questions or concerns regarding the instant application, he is encouraged to call the undersigned agent for quick resolution of any such issues.

Respectfully submitted,

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